

REMARKS

Claims 1-27 are pending in the application. In the Office Action dated May 21, 2004, the Examiner:

objected to the specification for the incorporation by reference of an abandoned application serial no. 09/212,923; and

rejected claims 1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,587,741 to Chetta et al. in view of U.S. Patent No. 4,841,726 to Burkhardt.

Applicants have amended the specification to remove the reference to U.S. Patent Application Serial No. 09/212,923.

Although not conceding that claims 1-27 are unpatentable over Chetta in view of Burkhardt, Applicants herewith submit a Terminal Disclaimer in order to further the prosecution of the present application. The Terminal Disclaimer includes a statement of common ownership, thereby obviating the Examiner's rejection of claim 1-27 under the judicially created doctrine of obviousness-type double patenting.

In the earlier Office Action, the Examiner objected to the Declaration. (See item 12, Office Action Summary of December 4, 2003). Applicants have been unable to obtain signatures for a Supplemental Declaration from the two of the four inventors whose original signatures on the original Declaration were undated and therefore deficient. Applicants herewith submit the Supplemental

Application No. 09/608,620
Amdt. Dated 08/27/04
Reply to Office Action of 05/21/04

Declarations for inventors Gregory Chetta and Jeffrey Simpson and submit a Petition in accordance with 37 CFR 1.183 requesting that the requirement for the Supplemental Declaration be waived for inventors Robert Rozelle and Amy Serwinowski.

In view of the foregoing, it is respectfully submitted that pending claims 1-27 are in condition for allowance, and action to that effect is earnestly solicited.

Applicant hereby petitions for a one-month extension of time in order to file an Amendment and Response to Restriction Requirement on the above-identified application. The fee of \$110.00 required under 37 CFR 1.17(a) is enclosed.

If any additional extension of time for the accompanying response is required, applicant requests that this paper be considered a petition therefor.

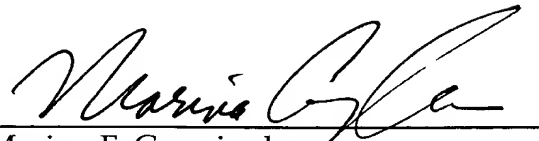
The Commissioner is authorized to charge any fees under 37 CFR 1.17(a) to (d), which may be required to Deposit Account No. 13-0235.

Applicant encloses herewith a check in the amount of \$350.00 to cover the fee of \$110.00 pursuant to 37 CFR 1.20(d) for the Terminal Disclaimer; the fee of \$130.00 pursuant to 37 CFR 1.17(h) for the Petition Under 37 CFR 1.183; and the one-month extension fee of \$110.00 pursuant to 37 CFR 1.17(a). Applicants believe that no additional fees or deficiencies in fees are owed. However,

Application No. 09/608,620
Amdt. Dated 08/27/04
Reply to Office Action of 05/21/04

authorization is hereby given to charge any such fees owed to our Deposit
Account No. 13-0235.

Respectfully submitted,

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